

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CARLOS NORIEGA,)
Plaintiff,)
)
vs.) NO. 3:13cv30058-KPN
)
CAROLYN W. COLVIN,)
Acting Commissioner of Social)
Security Administration,)
Defendant.)

STIPULATION AS TO ATTORNEY'S FEES

Now come the parties, by and through undersigned counsel, and pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, hereby stipulate and agree to a lump sum payment of said fees in the amount of \$3,772.00. The plaintiff waives any claim for costs.

Pursuant to an assignment agreement, the plaintiff has requested that these EAJA fees be paid directly to Community Legal Aid formerly Western Mass. Legal Services. The United States Supreme Court recently held that EAJA fees are payable to the prevailing party, not the prevailing party's attorney. See Astrue v. Ratliff, 130 S. Ct. 2521 (2010). Additionally, the Supreme Court held that such fees are subject to offset, under the Treasury Offset Program, to satisfy any preexisting debt that the prevailing party might owe to the federal government. *Id.* As a convenience to Community Legal Aid, the Commissioner will accept the EAJA fee assignment in this case and pay the fees directly to Community Legal

Aid if the defendant determines, at the time of approval of this Stipulation, that the plaintiff owes no debt to the federal government that would require offset of those fees.

Respectfully submitted,

CARMEN M. ORTIZ
United States Attorney

By:

/s/ Jan M. Stiefel
JAN M. STIEFEL
Attorney for Plaintiff
Community Legal Aid
20 Hampton Avenue, Suite 100
Northampton, MA 01060
(413) 727-7105

/s/ Karen L. Goodwin
KAREN L. GOODWIN
Assistant U.S. Attorney
300 State Street, Suite 230
Springfield, MA 01105
(413) 785-0235

Dated: 1/24/14

THE FOREGOING STIPULATION IS HEREBY APPROVED THIS 27
DAY OF January, 2014. SO ORDERED.

Kenneth P. Neiman
KENNETH P. NEIMAN
U.S. Magistrate Judge